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11 Attorneys for Plaintiff
12 TAYLOR THOMSON

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 Taylor Thomson

16 Plaintiff,

17 v.

18 Persistence Technologies BVI Pte Ltd.,
Tushar Aggarwal, Ashley Richardson,

19 Defendants.

20 Case No. 2:23-cv-04669-MEMF-MAR

21
22 **PLAINTIFF TAYLOR THOMSON'S**
***EX PARTE* APPLICATION TO**
CONTINUE DISCOVERY AND
RELATED DEADLINES

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on October 15, 2025, at 10:00 a.m., or as soon
3 thereafter as the Court is available, before the Honorable Maame Ewusi-Mensah
4 Frimpong, in Courtroom 8B of the United States District Court, Central District of
5 California, located at 350 W 1st Street, Los Angeles, California 90012, Plaintiff Taylor
6 Thomson (“Plaintiff”) will and hereby does apply *ex parte*, pursuant to Federal Rule
7 of Civil Procedure 16(b)(4) and Local Rule 7-19, for an order to continue the discovery
8 and related deadlines, in accordance with the schedule below, or other such schedule
9 as is convenient for the Court and the Parties:

	Current Deadline	Proposed Deadline
Fact Discovery Cutoff	October 15, 2025	November 30, 2025
Expert Disclosure (Initial)	October 22, 2025	December 8, 2025
Expert Disclosure (Rebuttal)	November 5, 2025	December 22, 2025
Expert Discovery Cutoff	November 19, 2025	January 7, 2025
Last Date to Hear Motions	January 8, 2025	February 5, 2025
Deadline to Complete Settlement Conference	January 21, 2025	February 25, 2025

17 The trial-related dates remain unchanged.

18 This Application is based on this Notice of Application and Application,
19 Memorandum of Points and Authorities, the Declaration of Julian L. André (“André
20 Decl.”) and supporting exhibits, and any other matters as may be presented to the Court
21 at or prior to the hearing. On October 14, 2025, Plaintiff’s counsel notified Defendant
22 of this Application and its contents. Defendant informed Plaintiff’s counsel that she
23 intended to oppose the Application.

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1 Dated: October 14, 2025

MCDERMOTT WILL & SCHULTE LLP

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3 By: /s/ Julian L. Andre
4 JULIAN L. ANDRÉ
5 TODD HARRISON
6 JOSEPH B. EVANS

7 Attorneys for Plaintiff
8 TAYLOR THOMSON

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McDERMOTT WILL & SCHULTE LLP
ATTORNEYS AT LAW
LOS ANGELES

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Good cause exists to continue the discovery deadlines. Plaintiff Taylor Thomson
4 (“Plaintiff”) has diligently pursued discovery for over a year, but Defendant Ashley
5 Richardson (“Defendant”) has repeatedly delayed and obstructed the process—failing
6 to timely respond to discovery, serving plainly deficient productions which fail to
7 provide even the most basic facts regarding her Counterclaims, and refusing to appear
8 for her own deposition. These actions have made it impossible to complete discovery
9 before the current October 15, 2025 cutoff.

10 Plaintiff offered to stipulate to an extension of the discovery deadlines to
11 November 30, 2025, and corresponding extensions to expert and motion deadlines,
12 leaving all trial dates intact. Defendant refused to stipulate, claiming without basis that
13 the proposal was somehow a “trick.” Defendant refused to stipulate in spite of the fact
14 that Defendant herself recently requested (unilaterally and without notice to Plaintiff)
15 that the Court extend the discovery deadline *for her benefit only*. Plaintiff therefore
16 seeks the Court’s intervention to continue the deadlines so that discovery can be
17 completed efficiently and on the merits.

18 **II. BACKGROUND**

19 On September 12, 2024, Plaintiff served Defendant with Requests for
20 Production (“RFPs”) and Interrogatories (“ROGs”). Defendant failed to respond, and
21 after months of silence, Plaintiff sent a letter on March 21, 2025, reattaching the
22 discovery and advising Defendant that she had waived objections and must respond
23 by April 30. On that date, Defendant submitted a cursory two-page objection to the
24 RFPs, produced no documents, and ignored the ROGs entirely.

25 Defendant did not produce any documents until June 6, 2025, and that
26 production was overwhelmingly deficient—consisting almost entirely of irrelevant
27 Telegram screenshots and unrelated emails. She produced no documents concerning
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1 her counterclaims or alleged damages and failed to provide a privilege log. Plaintiff
2 sent a detailed deficiency letter on July 11, 2025, followed by another on August 29,
3 2025, after Defendant's belated and incomplete supplemental responses. Defendant
4 has refused to correct the deficiencies.

5 Defendant's ROG responses, finally served on August 11, 2025, were also
6 deficient, evasive, and non-responsive. Plaintiff promptly met and conferred under
7 Local Rule 37 on October 7, 2025, during which Defendant agreed to supplement two
8 interrogatories but refused to correct others and again promised—but failed—to
9 produce key documents, including medical records and other evidence supposedly
10 supporting her claims.

11 Defendant has also filed multiple procedurally improper motions—the first
12 stricken, and the second only partially granted—wasting valuable time and further
13 delaying discovery. She then failed to appear for her own properly noticed deposition.

14 On October 10, 2025, Magistrate Judge Rocconi granted in part and denied in
15 part the parties' motions to compel each other's depositions and ordered the parties to
16 meet and confer to set dates and locations. Plaintiff has attempted to confer with
17 Defendant regarding deposition dates, but Defendant continues to employ the same
18 tactics which Magistrate Judge Rocconi ordered the Defendant to stop employing. The
19 depositions cannot be completed within the current discovery period.

20 With the October 15, 2025 fact discovery cutoff approaching, Plaintiff proposed
21 a reasonable extension of the discovery and related deadlines on October 12, 2025. *See*
22 André Decl., Ex. A at 5-6. After Plaintiff's counsel followed up the next day, Defendant
23 refused to agree to the extension unless Plaintiff first provided dates for Plaintiff's
24 deposition. *Id.* at 4-5. On October 14, 2025, Defendant escalated the exchange by
25 accusing Plaintiff's counsel of attempting to "trick" her and demanding to be deposed
26 before the October 15 cutoff. *Id.* at 3-4. Plaintiff's counsel explained that the extension
27 was being sought under Federal Rule of Civil Procedure 16(b)(4) by stipulation, but
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1 because Defendant declined, Plaintiff would have to proceed *ex parte*. *Id.* at 2.
2 Defendant then confirmed that she would oppose the *ex parte* application. *Id.*

3 **III. LEGAL STANDARD**

4 Under Federal Rule of Civil Procedure 16(b)(4), a scheduling order “may be
5 modified only for good cause and with the judge’s consent.” The good cause inquiry
6 “primarily considers the diligence of the party seeking the amendment.” *Johnson v.*
7 *Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). A showing of good
8 cause exists when the moving party demonstrates that the deadlines “cannot
9 reasonably be met despite the diligence of the party seeking the extension.” *Id.*

10 In addition, because this application seeks *ex parte* relief, Plaintiff must also
11 show that “(1) the moving party’s cause will be irreparably prejudiced if the underlying
12 motion is heard according to regularly noticed motion procedures, and (2) the moving
13 party is without fault in creating the crisis that requires *ex parte* relief.” *Mission Power*
14 *Eng’g Co. v. Continental Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995).

15 **IV. ARGUMENT**

16 Plaintiff has been diligent throughout discovery—serving written discovery
17 over a year ago, repeatedly following up on Defendant’s non-responses, meeting and
18 conferring in good faith, and moving to compel when necessary. The need for an
19 extension arises entirely from Defendant’s repeated discovery violations, including
20 months of delay in responding to discovery, incomplete and irrelevant document
21 productions, refusal to correct deficient interrogatory responses, and failure to appear
22 for her own properly noticed deposition.

23 Despite these delays, Plaintiff attempted to resolve this issue cooperatively. On
24 October 12, 2025, Plaintiff’s counsel proposed a reasonable stipulation to extend the
25 discovery and related deadlines by a few weeks to accommodate the remaining
26 discovery and comply with the Court’s orders. Defendant refused to stipulate, claiming
27 the proposal was some sort of “trick,” and instead appears to be seeking a unilateral

1 extension on her own terms. Plaintiff is therefore left with no alternative but to seek
2 this relief through the Court.

3 The Court's October 10, 2025 order granting in part the parties' motions to
4 compel and directing them to meet and confer on deposition scheduling further
5 demonstrates the necessity of additional time. The depositions required by that order
6 cannot reasonably occur before the current October 15, 2025 discovery cutoff. A brief
7 continuance is therefore essential to comply with the Court's directive and allow both
8 parties to complete discovery in an orderly and fair manner.

9 Because the discovery cutoff is imminent, *ex parte* relief is warranted. Plaintiff
10 has acted diligently and in good faith, while Defendant's obstructive conduct has
11 created the present scheduling impasse. Without a short extension, Plaintiff will be
12 unable to depose Defendant or obtain the discovery necessary to prepare expert
13 disclosures and dispositive motions, resulting in significant prejudice. The requested
14 extension is further warranted given the geographical and time zone differences among
15 the parties and counsel: Defendant resides in Salinas, California; Plaintiff is based in
16 London, England; Plaintiff's counsel is located in New York, New York; and the Court
17 sits in Los Angeles, California. Coordinating depositions and discovery across
18 multiple locations and time zones has proven logistically challenging and supports a
19 brief extension of the current deadlines.

20 The requested continuance is modest and will not affect the trial date. Plaintiff
21 seeks only a six-week extension of fact discovery and corresponding adjustments to
22 expert and motion deadlines. This brief continuance will facilitate compliance with the
23 Court's October 10 order and promote resolution of this matter on the merits.
24 Defendant will not be prejudiced by the extension and, in fact, benefits equally from
25 the additional time.

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1 **V. CONCLUSION**

2 For the foregoing reasons, Plaintiff respectfully requests that the Court grant this
3 *Ex Parte* Application and continue discovery and related deadlines as proposed below.

	Current Deadline	Proposed Deadline
Fact Discovery Cutoff	October 15, 2025	November 30, 2025
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11 Dated: October 14, 2025

12 **MCDERMOTT WILL & SCHULTE LLP**

13 By: /s/ Julian L. Andre
14 JULIAN L. ANDRÉ
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